

Attorney Docket No.: DC-0315
Inventors: Chang and Sugii
Serial No.: 10/534,295
Filing Date: June 9, 2005
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REMARKS

Claims 1-11 are pending in this application. No new matter has been added. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121. The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claim 1, drawn to a method for detecting intracellular cholesterol;

Group II, claims 2-7, drawn to a method for identifying an agent that modulates intracellular cholesterol accumulation; and

Group III, claims 8-11, drawn to a method for inhibiting over accumulation of cholesterol.

The Examiner suggests that inventions of Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical feature. It is suggested that the claimed methods require different steps and different outcomes to include methods for detecting intracellular cholesterol, a method for identifying an agent that modulates intracellular cholesterol accumulation, and a method for inhibiting over accumulation of cholesterol. Applicants are required to elect one of the Groups to be examined. Applicants respectfully disagree and traverse this restriction requirement.

Rule 13.2 indicates that where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall

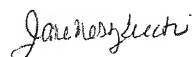
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be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Claims set forth in the instant application relate to the special technical feature of detecting and modulating intracellular cholesterol accumulation. As such, a search of the relevant prior art pertaining to the identification of agents which modulate cholesterol accumulation would inherently disclose the use of such agents to inhibit over accumulation of cholesterol. Therefore, no additional burden would be incurred by the Examiner in searching this common technical feature of the instant claims. Accordingly, reconsideration of this Restriction Requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group III, claims 8-11, drawn to a method for inhibiting over accumulation of cholesterol, with traverse.

Respectfully submitted,



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Date: March 29, 2007

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